

REMARKS

This amendment is in response to a non-final Office action (Paper No. 20060105) mailed January 13, 2006. Upon entry of this amendment, claims 1 through 13 and 15 through 21 will be pending. Applicant has amended claims 1, 4 through 9 and 12 by this amendment and has newly added claims 19 through 21 by this amendment.

In Paper No. 20060105, the Examiner applied JP 0913794 to Horaguchi et al to reject each of Applicant's claims. Applicant has translated this Horaguchi reference by hand into English and is supplying a certified English translation of the Horaguchi reference along with the filing of this amendment.

After reviewing the English translation of Horaguchi, Applicant has the following comments. Applicant submits that the entire purpose and construction of Horaguchi is different from that of Applicant's claimed invention. The subject matter of Applicant's claimed invention pertains to connecting a printer to a host to store an initial use date in the storage of the printer when the printer is being used for the first time. If any information has been stored already before the drivers for the printer are being installed, new information is compared with the stored information and then stored. Thus, the present invention provides clarifying of the initial use date information in order to easily estimate the guarantee period of the printer for service.

In this regard, Horaguchi provides a method of easily setting a clock in a host or facsimile

respectively comprising a timer. Also, Horaguchi discloses setting the calendar information of one of either the host or the facsimile, and transmitting the calendar information to the other of the host and the facsimile so that a basis apparatus to be set can be designated. It is the object of Horaguchi to provide a method of effectively setting the calendar information in the facsimile. Therefore, the entire purpose and construction of Horaguchi is different from that of Applicant's claimed invention.

Rejections of claims 1 and 4-6 under 35 U.S.C. §103(a)

Claims 1 and 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Horaguchi *et al.* JP'794, in view of Gase *et al.* '117. In the rejection, the Examiner relies on Horaguchi for every feature except for the installation of the printer driver feature. For this feature, the Examiner turns to Gase. Applicant has the following comments.

Regarding claim 1, Applicant claims, "determining whether the printer is being used for the first time". On page 2 of Paper No. 20060105, the Examiner states that this feature is taught by Horaguchi. Applicant disagrees. Applicant submits that Horaguchi teaches determining whether a personal computer and a facsimile are powered on and connected, not whether a printer is being used for the first time. Applicant submits that determining whether two devices are connected or are powered on is not the same as determining whether the printer is being used for the first time. This is because a determination of whether two devices are connected to each other

can occur at other times than when a device is used for the first time. Turning the power on or detecting a connection can occur when a previously used computer and a fax are moved or after repair or when they are turned on for the day or when a used printer is attached to some other computer than before. Because of this, it can not be said that Horaguchi teaches determining whether a printer is being used for a first time.

Although it could be argued that when a facsimile in Horaguchi is being used for the first time, it has to also be connected. Nevertheless, there is no determination or inquiry anywhere in Horaguchi as to whether or not the facsimile is being used for the first time. For this reason, the rejection of claim 1 in Paper No. 20060105 is without merit.

Again regarding claim 1, Applicant claims “storing the initial use date in a storage of the printer...” On Page 2 of Paper No. 20060105, the Examiner states that this limitation is taught by Horaguchi and cites RAM 15 of Horaguchi. Applicant disagrees. Applicant submits that there is no teaching anywhere in Horaguchi that the current date and time transferred from the PC to the facsimile in Horaguchi is ever stored anywhere including RAM 15. Applicant submits that all Horaguchi teaches is that the calender 50 of the FAX of Horiguchi is set upon said transfer. Applicant further submits that reference numeral 50 of Horaguchi is not a storage area but is instead a clock. Therefore, this limitation of Applicant’s claim 1 can not be taught by the applied prior art.

Again regarding claim 1, Applicant submits that Applicant claims storing the initial use date. Applicant submits that Horaguchi merely teaches transferring a date and time from the PC to the FAX to merely set the clock/calender 50 of the FAX under certain conditions. Applicant submits that Horaguchi does not rise to the level of storing an initial use date in the FAX. This is because the calender 50, unlike a storage area, changes with each second, and thus the time and date transferred are lost after just one second after the setting of calender 50 of Horaguchi. Therefore, it can not be said that Horaguchi teaches storing an initial use date.

Applicant further submits that Horaguchi does not transfer the initial use date to the FAX but instead transfers the current date and time to the FAX. This is done each time the FAX is powered up. As a result, Applicant submits that Horaguchi is very dissimilar to Applicant's claimed invention.

In Paper No. 20060105, the Examiner combined Gase with Horaguchi to reject Applicant's claims including claim 1. Applicant submits that one having ordinary skill in the art would not be inclined to turn to Gase to fill in for the deficiencies of Horaguchi. Horaguchi pertains to transferring dates and times back and forth between a FAX and a PC connected to the FAX so that both clocks are the same. Gase pertains to a computer network where there are many client terminals and many printers and a file server in between. Gase pertains to updating printer drivers for the network and to presentation of printer information at client terminals. Gase never even relies on internal clocks or discusses internal clocks or the need to synchronize clocks between

different devices. Also, Gase has nothing to do with initial use dates. Applicant submits that updating printer drivers and managing printer resources in a network is entirely unrelated to synchronizing a clock between a single PC and a FAX connected to the PC. The problems and the settings of these two references are vastly unrelated and thus should not be combined.

In Paper No. 20060105, the Examiner relies on col 1 of the Gase reference for justification of motivation to combine with Horaguchi. Applicant disagrees. Applicant submits that col 1 of Gase is in the Background of the Invention section and is not part of the invention of Gase. The invention in Gase does not pertain to the installation of drivers for a new printer but instead pertains to updating drivers for a printer in a network when a new, enhanced version of the drivers is released. Applicant submits that the entire reference as a whole must be considered and that Gase as a whole is not about the initial installation of drivers for a new printer but is about driver updates in a network. Therefore, Applicant submits that it was inappropriate for the Examiner to justify the combination of Gase with Horaguchi because Gase mentions that printer drivers need to be installed for a new printer type in the Background section.

Rejections of claims 2-3, 7-13 and 15-18 under 35 U.S.C. §103(a)

Claims 2-3, 7-13 and 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Hong EP'950, in view of Horaguchi *et al.* JP'794.

Regarding claim 7, the Examiner turns to Horaguchi to fill in for the deficiencies of Hong.

Applicant objects. Hong pertains to a TV set where an initial use date is stored within upon first use. In Hong, the initial date is gleaned from the broadcast signal sent over the airwaves. Meanwhile, Horaguchi pertains to a FAX connected to a PC. Horaguchi is not about TV sets and is not about initial use dates and does not store any date or time but instead merely synchronizes the clock on the FAX to the clock on the PC. Applicant submits that one having ordinary skill in the art would not be inclined to turn to Horaguchi to fill in for the deficiencies of Hong. First of all they are of non-analogous art of different fields of endeavor. Hong is for a TV set and Horaguchi is for a FAX connected to a PC. Hong pertains to an initial use date for warranty purposes while Horaguchi pertains to clocks on a FAX and a PC and the synchronization thereof. Horaguchi does not store a date or a time and is not concerned about warranties expiring and is not about a television set and does not glean a time or a date from air waves as in Hong. Meanwhile, Hong is not about a printer or a PC, is not about clock synchronization between devices. For all of these reasons, Applicant submits that one having ordinary skill in the art would not be inclined to turn to Horaguchi to fill in for the deficiencies of Hong.

Again regarding claim 7, Applicant claims, “determining whether said printer has an initial date stored in the memory of the printer”. On page 5 of Paper No. 20060105, the Examiner states that this limitation is taught by paragraphs 28-35 of Hong. Applicant disagrees. Applicant submits that Hong pertains to a TV that gleans the initial use date from the air waves and does not pertain to a printer.

Again regarding claim 7, Applicant claims, “installing a printer driver into said computer”. On page 5 of Paper No. 20060105, the Examiner addresses this limitation by merely saying, “installing printer driver onto a newly added electronic device (i.e. printer) is well known in the art”. Applicant objects. Applicant submits that installing a printer driver into a printer in a method that includes storing an initial use date is not well known. There is no reference present of the initial use date being stored in a process that also includes installing printer drivers. The fact that there is an absence of such a reference is an indication that Applicant’s claim 7 is deserving of patent protection.

Regarding claim 9, Applicant claims storing said initial date of said printer in said memory in said printer. On page 6 of Paper No. 20060105, the Examiner states that this is taught by FIG. 2, RAM 15 in Horaguchi. Applicant disagrees. Applicant submit that Horaguchi merely teaches transferring a date and time from the PC to the FAX to merely set the clock/calender 50 of the FAX. Applicant submits that Horaguchi does not in any way teach of suggest storing an initial use date in the FAX. This is because the calender 50 of Horaguchi, unlike a storage area, is a clock that changes with each second, and thus the time and date transferred are lost after just one second after the setting of calender 50 of Horaguchi. Therefore, it can not be said that Horaguchi teaches storing an initial use date.

Regarding claim 13, Applicant claims, “said memory space comprising a first area and a second area separate from the first area, the initial date being stored in the second area and an

indicator being stored in the first area that indicates whether or not an initial date has been stored in the second area, said determining step examining the contents of the first area and not the second area". On page 6 of Paper No. 20060105, the Examiner states that paragraphs 28-40 of Hong teaches this limitation. Applicant disagrees. Applicant submits that Hong actually teaches away from Applicant's claim 13.

Applicant's claim 13 claims two separate areas in memory of the printer, one for the indicator and one for the initial use date. Applicant submits that Hong clearly teaches that the indicator occupies the exact same piece of memory as the initial use date. See paragraphs 28-32 of Hong. In Hong, when this specific area of memory is all zeros, the initial use date has not been stored. When it contains a date instead of all zeros, then the initial date has been stored. Thus, in Hong, the indicator occupies the same location of memory as the initial use date and thus Applicant's claim 13 cannot possibly be taught by Hong.

Regarding claim 18, Applicant claims, "the first and the second areas being updated when the printer drivers are being installed". On page 7 of Paper No. 20060105, the Examiner states that this limitation is taught by Horaguchi. Applicant disagrees. Applicant submits that Horaguchi is entirely devoid of a teaching of installing printer drivers.

Regarding claim 2, Applicant claims "providing data stored in a storage to a host by a printer when a printer driver is installed". On page 4 of Paper No. 20050105, the Examiner states

that this is limitation taught by Hong. Applicant disagrees. Applicant submits that Hong does not teach a printer and Hong does not teach a host. Hong pertains to a TV, not to a printer. Further, Hong does not teach providing data to the host by the printer. Instead, Hong merely teaches a TV. The TV in Hong only receives signals from over the airways. The TV in Hong does not transmit data to anything. The TV in Hong is merely a receiver. Therefore, Applicant submits that the claim language of the first limitation of Applicant's claim 2 and the subject matter of Hong are very dissimilar.

Again regarding claim 2, Applicant claims, as in claim 13, the printer having a memory having two storage areas, one for the indicator and the other for the date. On page 4 of Paper No. 20060105, the Examiner states that this is taught by paragraphs 28-35 of Hong. Applicant disagrees for the same reasons as given in the traversal of the rejection of claim 13. Hong teaches that the indicator occupies the same location in memory as the date, and that if the read date is all zeros, it indicates that the initial use date has never been stored, and if it is not all zeros, then it is storing a date. This is because a date is ordinarily not represented by all zeros. Thus, Applicant submits that Hong teaches the opposite, that there is not two areas but one for both the indicator and the date.

In the rejection of claim 2 on page 4 of Paper No. 20060105, the Examiner turns to Horaguchi for a teaching of a printer. The Examiner then justifies combining Horaguchi with Hong by saying that the motivation is to extend coverage capability for other devices besides TVs.

Applicant disagrees. Applicant submits that there is no credible motivation to turn to a reference about a facsimile machine to fill in for the deficiencies of a TV set. Applicant submits that the field of endeavor and the technologies of a FAX machine are so dissimilar to that of a TV set that they do not warrant combining. Further, Applicant submits that unlike Hong, Horaguchi is not about warranty coverage or first use dates but is merely about synchronizing clocks of a FAX to that of a PC. Horaguchi does not store an initial use date but merely makes sure the clock of the FAX is the same as that of the PC. Therefore, there is no credible nexus between Horaguchi and Hong that could justify such a combination.

Regarding claim 11, Applicant claims that the first area of storage that stores the indicator is distinguished from the second area of printer memory that stores the initial use date. On page 6 of Paper No. 20060105, the Examiner states that this is taught by paragraphs 28-35 of Hong. Applicant disagrees. As discussed previously in Applicant's traversal of the rejection of claim 13, Applicant submits that Hong clearly teaches that the indicator and the first use date are stored in the exact same location of memory of the TV in Hong and thus they are not distinguished. This is possible because when this location contains all zeros, it indicates that the initial use date has not yet been stored. When this location contains a date, it is not all zeros and thus indicates that the initial use date has already been stored and contains the initial use date at the same time. This is possible in Hong because the same location in memory can both serve as a storage area for the initial use date and as an indicator that the initial use date has not yet been stored because a date is ordinarily not represented by all zeros.

Applicant has amended claims 1, 4 through 9 and 12 to improve their form by changing "computer" or "personal computer" to --host--, eliminating "the steps of", changing "if" to --when-- and eliminating the word "electrically" from claim 7. Applicant submits that the computer is merely a kind of host as is evidenced by Applicant's page 3, line 26 of Applicant's specification. Applicant has also newly added claims 19 through 21 by this amendment to claim Applicant's invention in alternate claim language. Entry of and favorable examination is respectfully requested.

No fees are incurred by the filing of this amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56262
Date: 4/13/06
I.D.: REB/ML